IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4246 OF 2003

The State of Maharashtra & Ors..... .... Petitioners
V/s
Rafique Ahmed Abdul Hassan Shaikh.. .... Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Mr.S.R.Nargolkar, AGP for the petitioners.

Mr.N.V.Bandiwadekar, for the respondent.

CORAM: V.G.

PALSHIKAR

AND
V.M. KANADE, JJ.

15.06.2006.

PC:

By this petition the State has impugned order passed by the Maharashtra Administrative Tribunal allowing Original Application of the respondent solely on the ground that the order of punishment was issued by an authority lower than the appointing authority of the petitioner. The order though was issued by the Police

Commissioner, Bombay the occupant of the post Shri M.N.Singh was factually Director General of Police and therefore the Tribunal committed an error of law in allowing the application only on this ground.

2. The Tribunal has not considered other contentions of the Original Application challenging the order of punishment. It is therefore necessary that the matter is remitted back to the Tribunal for deciding the Original Application afresh on other points raised by the petitioner as also by the respondent since the order impugned before it has been passed by Competent Authority. Matter accordingly is remitted back. Petition accordingly stands disposed of.

15.6.06